



THE CITY OF NEW YORK
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March 24, 2011

BY ECF

Honorable Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Marlon Manswell v. City of New York, et al.
10 CV 5878 (FB)(VVP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, and the attorney assigned to defend the City of New York in this matter. I write to respectfully request an adjournment of the initial conference currently scheduled for 10:00 a.m. on March 30, 2011 until a date and time convenient to the Court after April 11, 2011. We have conferred with plaintiff's attorney, Gabriel Harvis, Esq., and he will not consent to this request unless defendant agrees to commence discovery in this matter by engaging in a 26(f) conference by March 25, 2011. Since defendant has filed a request to stay this action pending defendant Brunson's return from active military service, we will not, at this juncture, agree to engage in a 26(f) conference absent an Order from the Court. Defendant respectfully submits that plaintiff will not be prejudiced in any way if Your Honor is inclined to grant this request.

The reason for this request is that my supervisor, Rachel Seligman Weiss, who filed the motion for reconsideration before Your Honor on the issue of plaintiff's motion for a protective order, is not available to attend the previously scheduled March 30, 2011 conference. It is my understanding that Ms. Seligman is scheduled to attend a deposition on that day in the matter of Poventud v. City of New York, et al., 07 CV 3998 (DAB)(THK) and that the deposition cannot be rescheduled. Further, because of additional depositions on the same matter, Ms. Seligman is not available to attend a conference with the Court until some time after April 11, 2011.

Defendant thanks the Court for its consideration herein.

Respectfully submitted,

/s/

Shlomit Aroubas

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Special Federal Litigation Division

cc: Gabriel Paul Harvis (By ECF)
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